

AMENDED IN ASSEMBLY SEPTEMBER 6, 2013

AMENDED IN ASSEMBLY JUNE 13, 2013

AMENDED IN ASSEMBLY MAY 23, 2013

**SENATE BILL**

**No. 823**

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**Introduced by Committee on Business, Professions and Economic Development (Senators Lieu (Chair), Block, Corbett, Emmerson, Galgiani, Hernandez, Hill, Padilla, Wyland, and Yee)**

March 20, 2013

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An act to amend Sections 5092, 5093, 5094.3, and 8030.5 of, to add Section 5092.1 to, and to add and repeal Sections 8030.4, 8030.6, and 8030.8 of, the Business and Professions Code, relating to ~~profession~~ *professions* and vocations, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 823, as amended, Committee on Business, Professions and Economic Development. Professions and vocations: licensure.

(1) Existing law provides for the ~~licensing~~ *licensure* and regulation of accountants by the California Board of Accountancy in the Department of Consumer Affairs. Existing law prohibits a person from engaging in the practice of public accountancy in this state unless he or she holds either a valid permit issued by the board or a practice privilege, as specified.

Existing law sets forth education, examination, and experience requirements for accountancy licensure. Existing law provides that certain licensure requirement provisions shall become inoperative on January 1, 2014, unless other particular licensure requirements are reduced or eliminated.

This bill would, until January 1, 2016, allow applicants who have satisfied the examination requirement on or before December 31, 2013, and who meet all remaining requirements for the issuance of a certified public accountant license, as they existed on December 31, 2013, to be issued a license, notwithstanding that those licensure requirement provisions may become inoperative as of January 1, 2014.

Existing law sets forth the requirements for an applicant for admission to the examination for a certified public accountant, including the production of evidence that the applicant has completed a baccalaureate or higher degree.

This bill would provide that an applicant who is enrolled in a program that confers a baccalaureate degree upon completion of 150 semester units, as specified, may satisfy the educational requirements for admission to the examination if the applicant's educational institution mails materials to the board showing the applicant has satisfied certain requirements.

This bill would also allow an applicant who successfully passed the accountant examination on or before December 31, 2013, to qualify for a license without satisfying other particular educational requirements, if the applicant completes all other requirements for the issuance of a license on or before December 31, 2015.

This bill would also make technical, nonsubstantive changes to these provisions.

(2) Existing law provides for the licensure and regulation of court reporters by the Court Reporters Board of California within the Department of Consumer Affairs. Existing law ~~authorizes this board to appoint an executive officer and committees as necessary. Existing law repeals these provisions on January 1, 2017, and specifies that the board is subject to review by the appropriate policy committees of the Legislature.~~

~~Existing law~~ requires, until January 1, 2017, certain fees and revenues collected by the board to be deposited into the Transcript Reimbursement Fund, a continuously appropriated fund, to be available to provide reimbursement for the cost of providing shorthand reporting services to low-income litigants in civil cases. Existing law requires the board, until January 1, 2017, to publicize the availability of the fund to prospective applicants. Existing law requires the unencumbered funds remaining in the Transcript Reimbursement Fund as of January 1, 2017, to be transferred to the Court Reporters' Fund. Provisions of law that authorized low-income persons appearing pro se to apply for funds

from the Transcript Reimbursement Fund, subject to specified requirements and limitations, and other related provisions, were repealed on January 1, 2013.

This bill would reenact those provisions that were repealed on January 1, 2013, thereby making an appropriation by requiring the board to disburse funds from the Transcript Reimbursement Fund for the costs, as specified, of preparing court and deposition proceeding transcripts, incurred as a contractual obligation between the shorthand reporter and the applicant, for litigation conducted in California. The bill would provide for the repeal of these provisions on January 1, 2017.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5092 of the Business and Professions
- 2 Code is amended to read:
- 3 5092. (a) To qualify for the certified public accountant license,
- 4 an applicant who is applying under this section shall meet the
- 5 education, examination, and experience requirements specified in
- 6 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to
- 7 this article. The board may adopt regulations as necessary to
- 8 implement this section.
- 9 (b) An applicant for the certified public accountant license shall
- 10 present satisfactory evidence that the applicant has completed a
- 11 baccalaureate or higher degree conferred by a college or university,
- 12 meeting, at a minimum, the standards described in Section 5094,
- 13 the total educational program to include a minimum of 24 semester
- 14 units in accounting subjects and 24 semester units in business
- 15 related subjects. This evidence shall be provided prior to admission
- 16 to the examination for the certified public accountant license,
- 17 except that an applicant who applied, qualified, and sat for at least
- 18 two subjects of the examination for the certified public accountant
- 19 license before May 15, 2002, may provide this evidence at the
- 20 time of application for licensure.
- 21 (c) An applicant for the certified public accountant license shall
- 22 pass an examination prescribed by the board pursuant to this article.

1 (d) The applicant shall show, to the satisfaction of the board,  
2 that the applicant has had two years of qualifying experience. This  
3 experience may include providing any type of service or advice  
4 involving the use of accounting, attest, compilation, management  
5 advisory, financial advisory, tax, or consulting skills. To be  
6 qualifying under this section, experience shall have been performed  
7 in accordance with applicable professional standards. Experience  
8 in public accounting shall be completed under the supervision or  
9 in the employ of a person licensed or otherwise having comparable  
10 authority under the laws of any state or country to engage in the  
11 practice of public accountancy. Experience in private or  
12 governmental accounting or auditing shall be completed under the  
13 supervision of an individual licensed by a state to engage in the  
14 practice of public accountancy.

15 (e) This section shall become inoperative on January 1, 2014,  
16 but shall become or remain operative if the educational  
17 requirements in ethics study and accounting study established by  
18 subdivision (b) of Section ~~5094~~ 5093, Section 5094.3, and Section  
19 5094.6 are reduced or eliminated.

20 SEC. 2. Section 5092.1 is added to the Business and Professions  
21 Code, to read:

22 5092.1. Notwithstanding subdivision (a) of Section 5093, an  
23 applicant who has successfully completed the examination  
24 requirement specified in Section 5082 on or before December 31,  
25 2013, may qualify for the issuance of a certified public accountant  
26 license until January 1, 2016, if he or she has met all remaining  
27 requirements specified in Section 5092 as they existed on  
28 December 31, 2013.

29 SEC. 3. Section 5093 of the Business and Professions Code is  
30 amended to read:

31 5093. (a) To qualify for the certified public accountant license,  
32 an applicant who is applying under this section shall meet the  
33 education, examination, and experience requirements specified in  
34 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to  
35 this article. The board may adopt regulations as necessary to  
36 implement this section.

37 (b) (1) An applicant for admission to the certified public  
38 accountant examination under the provisions of this section shall  
39 present satisfactory evidence that the applicant has completed a  
40 baccalaureate or higher degree conferred by a degree-granting

1 university, college, or other institution of learning accredited by  
2 a regional or national accrediting agency included in a list of these  
3 agencies published by the United States Secretary of Education  
4 under the requirements of the Higher Education Act of 1965 as  
5 amended (20 U.S.C. Sec. 1001 et seq.), or meeting, at a minimum,  
6 the standards described in subdivision (c) of Section 5094. The  
7 total educational program shall include a minimum of 24 semester  
8 units in accounting subjects and 24 semester units in  
9 business-related subjects. This evidence shall be provided at the  
10 time of application for admission to the examination, except that  
11 an applicant who applied, qualified, and sat for at least two subjects  
12 of the examination for the certified public accountant license before  
13 May 15, 2002, may provide this evidence at the time of application  
14 for licensure.

15 (A) An applicant enrolled in a program at an institution as  
16 described in this paragraph that grants conferral of a baccalaureate  
17 degree upon completion of the 150 semester units required by  
18 paragraph (2) of this subdivision may satisfy the requirements of  
19 this paragraph if the applicant's institution mails the applicant's  
20 official transcript or its equivalent together or separately with a  
21 letter signed by the institution's registrar, or its equivalent, directly  
22 to the board pursuant to subdivision (c) of Section 5094. The letter  
23 shall include all of the following:

24 (i) A statement that the applicant is enrolled and in good  
25 standing in a program that will result in the conferral of a  
26 baccalaureate degree upon completion of either a master's degree  
27 or the 150 semester units required by paragraph (2) of this  
28 subdivision.

29 (ii) A statement that the applicant has completed all  
30 requirements, including general education and elective  
31 requirements, for a baccalaureate degree and the only reason the  
32 college or university has yet to confer the degree is because the  
33 applicant is enrolled in a program that confers a baccalaureate  
34 degree upon completion of either a master's degree or the 150  
35 semester units required by paragraph (2) of this subdivision.

36 (iii) The date on which the applicant met all of the college's or  
37 university's requirements for conferral of a baccalaureate degree.

38 (B) The total educational program for an applicant described in  
39 subparagraph (A) shall include a minimum of 24 semester units  
40 in accounting subjects and 24 semester units in business-related

1 subjects. This evidence shall be provided at the time of application  
2 for admission to the examination, except that an applicant who  
3 applied, qualified, and sat for at least two subjects of the  
4 examination for the certified public accountant license before May  
5 15, 2002, may provide this evidence at the time of application for  
6 licensure.

7 (2) An applicant for issuance of the certified public accountant  
8 license under the provisions of this section shall present satisfactory  
9 evidence that the applicant has completed at least 150 semester  
10 units of college education including a baccalaureate or higher  
11 degree conferred by a college or university, meeting, at a minimum,  
12 the standards described in Section 5094, the total educational  
13 program to include a minimum of 24 semester units in accounting  
14 subjects, 24 semester units in business-related subjects, and, after  
15 December 31, 2013, shall also include a minimum of 10 units of  
16 ethics study consistent with the requirements set forth in Section  
17 5094.3 and 20 units of accounting study consistent with the  
18 regulations promulgated under subdivision (c) of Section 5094.6.  
19 This evidence shall be presented at the time of application for the  
20 certified public accountant license. Nothing in this paragraph shall  
21 be deemed inconsistent with Section 5094 or 5094.6. Nothing in  
22 this paragraph shall be construed to be inconsistent with prevailing  
23 academic practice regarding the completion of units.

24 (c) An applicant for the certified public accountant license shall  
25 pass an examination prescribed by the board.

26 (d) The applicant shall show, to the satisfaction of the board,  
27 that the applicant has had one year of qualifying experience. This  
28 experience may include providing any type of service or advice  
29 involving the use of accounting, attest, compilation, management  
30 advisory, financial advisory, tax, or consulting skills. To be  
31 qualifying under this section, experience shall have been performed  
32 in accordance with applicable professional standards. Experience  
33 in public accounting shall be completed under the supervision or  
34 in the employ of a person licensed or otherwise having comparable  
35 authority under the laws of any state or country to engage in the  
36 practice of public accountancy. Experience in private or  
37 governmental accounting or auditing shall be completed under the  
38 supervision of an individual licensed by a state to engage in the  
39 practice of public accountancy.

(e) Applicants completing education at a college or university located outside of this state, meeting, at a minimum, the standards described in Section 5094, shall be deemed to meet the educational requirements of this section if the board determines that the education is substantially equivalent to the standards of education specified under this chapter.

(f) An applicant who has successfully passed the examination requirement specified under Section 5082 on or before December 31, 2013, may qualify for the certified public accountant license without satisfying the 10 semester units of study set forth in Section 5094.3 or 20 semester units of accounting study consistent with the regulations promulgated under Section 5094.6, if the applicant completes all other requirements for the issuance of a license on or before December 31, 2015.

SEC. 4. Section 5094.3 of the Business and Professions Code is amended to read:

5094.3. (a) An applicant for licensure as a certified public accountant shall, to the satisfaction of the board, provide documentation of the completion of 10 semester units or 15 quarter units of ethics study, as set forth in paragraph (2) of subdivision (b) of Section 5093, in the manner prescribed in this section.

(b) (1) Between January 1, 2014, and December 31, 2016, inclusive, an applicant shall complete 10 semester units or 15 quarter units in courses described in subdivisions (d), (e), and (f).

(2) Beginning January 1, 2017, an applicant shall complete 10 semester units or 15 quarter units in courses described in subdivisions (c), (d), (e), and (f).

(c) A minimum of three semester units or four quarter units in courses at an upper division level or higher devoted to accounting ethics or accountants' professional responsibilities, unless the course was completed at a community college, in which case it need not be completed at the upper division level or higher.

(d) Between January 1, 2014, and December 31, 2016, inclusive, a maximum of 10 semester units or 15 quarter units, and on and after January 1, 2017, a maximum of 7 semester units or 11 quarter units, in courses containing the following terms in the course title:

- (1) Business, government, and society.
- (2) Business law.
- (3) Corporate governance.
- (4) Corporate social responsibility.

- 1 (5) Ethics.
- 2 (6) Fraud.
- 3 (7) Human resources management.
- 4 (8) Business leadership.
- 5 (9) Legal environment of business.
- 6 (10) Management of organizations.
- 7 (11) Morals.
- 8 (12) Organizational behavior.
- 9 (13) Professional responsibilities.
- 10 (14) Auditing.
- 11 (e) (1) A maximum of three semester units or four quarter units
- 12 in courses taken in the following disciplines:
- 13 (A) Philosophy.
- 14 (B) Religion.
- 15 (C) Theology.
- 16 (2) To qualify under this subdivision, the course title shall
- 17 contain one or more of the terms “introduction,” “introductory,”
- 18 “general,” “fundamentals of,” “principles,” “foundation of,” or
- 19 “survey of,” or have the name of the discipline as the sole name
- 20 of the course title.
- 21 (f) A maximum of one semester unit of ethics study for
- 22 completion of a course specific to financial statement audits.
- 23 (g) An applicant who has successfully passed the examination
- 24 requirement specified under Section 5082 on or before December
- 25 31, 2013, is exempt from this section unless the applicant fails to
- 26 obtain the qualifying experience as specified in Section 5092 or
- 27 5093 on or before December 31, 2015.
- 28 SEC. 5. Section 8030.4 is added to the Business and Professions
- 29 Code, to read:
- 30 8030.4. As used in this chapter:
- 31 (a) “Applicant” means a qualified legal services project,
- 32 qualified support center, other qualified project, or pro bono
- 33 attorney applying to receive funds from the Transcript
- 34 Reimbursement Fund established by this chapter. The term
- 35 “applicant” shall not include a person appearing pro se to represent
- 36 himself or herself at any stage of a case.
- 37 (b) “Case” means a single legal proceeding from its inception,
- 38 through all levels of hearing, trial, and appeal, until its ultimate
- 39 conclusion and disposition.



1 (c) “Certified shorthand reporter” means a shorthand reporter  
2 certified pursuant to Article 3 (commencing with Section 8020)  
3 performing shorthand reporting services pursuant to Section 8017.

4 (d) “Developmentally Disabled Assistance Act” means the  
5 Developmentally Disabled Assistance and Bill of Rights Act of  
6 1975 (Public Law 94-103), as amended.

7 (e) “Fee-generating case” means any case or matter that, if  
8 undertaken on behalf of an eligible client by an attorney in private  
9 practice, reasonably may be expected to result in payment of a fee  
10 for legal services from an award to a client, from public funds, or  
11 from an opposing party. A reasonable expectation as to payment  
12 of a legal fee exists wherever a client enters into a contingent fee  
13 agreement with his or her lawyer. If there is no contingent fee  
14 agreement, a case is not considered fee generating if adequate  
15 representation is deemed to be unavailable because of the  
16 occurrence of any of the following circumstances:

17 (1) If the applicant has determined that referral is not possible  
18 because of any of the following:

19 (A) The case has been rejected by the local lawyer referral  
20 service, or if there is no such service, by two private attorneys who  
21 have experience in the subject matter of the case.

22 (B) Neither the referral service nor any lawyer will consider the  
23 case without payment of a consultation fee.

24 (C) The case is of the type that private attorneys in the area  
25 ordinarily do not accept, or do not accept without prepayment of  
26 a fee.

27 (D) Emergency circumstances compel immediate action before  
28 referral can be made, but the client is advised that, if appropriate  
29 and consistent with professional responsibility, referral will be  
30 attempted at a later time.

31 (2) If recovery of damages is not the principal object of the case  
32 and a request for damages is merely ancillary to an action for  
33 equitable or other nonpecuniary relief or inclusion of a  
34 counterclaim requesting damages is necessary for effective defense  
35 or because of applicable rules governing joinder of counterclaims.

36 (3) If a court appoints an applicant or an employee of an  
37 applicant pursuant to a statute or a court rule or practice of equal  
38 applicability to all attorneys in the jurisdiction.

1 (4) In any case involving the rights of a claimant under a  
2 public-supported benefit program for which entitlement to benefit  
3 is based on need.

4 (f) (1) “Indigent person” means any of the following:

5 (A) A person whose income is 125 percent or less of the current  
6 poverty threshold established by the United States Office of  
7 Management and Budget.

8 (B) A person who is eligible for supplemental security income.

9 (C) A person who is eligible for, or receiving, free services  
10 under the federal Older Americans Act or the Developmentally  
11 Disabled Assistance Act.

12 (D) A person whose income is 75 percent or less of the  
13 maximum level of income for lower income households as defined  
14 in Section 50079.5 of the Health and Safety Code, for purposes of  
15 a program that provides legal assistance by an attorney in private  
16 practice on a pro bono basis.

17 (E) A person who qualifies for a waiver of fees pursuant to  
18 Section 68632 of the Government Code.

19 (2) For the purposes of this subdivision, the income of a person  
20 who is disabled shall be determined after deducting the costs of  
21 medical and other disability-related special expenses.

22 (g) “Lawyer referral service” means a lawyer referral program  
23 authorized by the State Bar of California pursuant to the rules of  
24 professional conduct.

25 (h) “Legal Services Corporation” means the Legal Services  
26 Corporation established under the Legal Services Corporation Act  
27 of 1974 (Public Law 93-355), as amended.

28 (i) “Older Americans Act” means the Older Americans Act of  
29 1965 (Public Law 89-73), as amended.

30 (j) “Other qualified project” means a nonprofit organization  
31 formed for charitable or other public purposes, that does not receive  
32 funds from the Legal Services Corporation or pursuant to the  
33 federal Older Americans Act, and provides free legal services to  
34 indigent persons.

35 (k) “Pro bono attorney” means any attorney, law firm, or legal  
36 corporation, licensed to practice law in this state, that undertakes,  
37 without charge to the party, the representation of an indigent  
38 person, referred by a qualified legal services project, qualified  
39 support center, or other qualified project, in a case not considered  
40 to be fee generating, as defined in this chapter.

1 (l) “Qualified legal services project” means a nonprofit project,  
2 incorporated and operated exclusively in California, that provides  
3 as its primary purpose and function legal services without charge  
4 to indigent persons, has a board of directors or advisory board  
5 composed of both attorneys and consumers of legal services, and  
6 provides for community participation in legal services  
7 programming. A legal services project funded, either in whole or  
8 in part, by the Legal Services Corporation or with the federal Older  
9 Americans Act funds is presumed to be a qualified legal services  
10 project for the purposes of this chapter.

11 (m) “Qualified support center” means an incorporated nonprofit  
12 legal services center that has an office or offices in California that  
13 provide legal services or technical assistance without charge to  
14 qualified legal services projects and their clients on a multicounty  
15 basis in California. A support center funded, either in whole or in  
16 part, by the Legal Services Corporation or with the federal Older  
17 Americans Act funds is presumed to be a qualified legal services  
18 project for the purposes of this chapter.

19 (n) “Rules of professional conduct” means those rules adopted  
20 by the State Bar of California pursuant to Sections 6076 and 6077.

21 (o) “Supplemental security income recipient” means an  
22 individual receiving or eligible to receive payments under Title  
23 XVI of the Social Security Act (Public Law 92-603), as amended,  
24 or payment under Chapter 3 (commencing with Section 12000) of  
25 Part 3 of Division 9 of the Welfare and Institutions Code.

26 (p) This section shall remain in effect only until January 1, 2017,  
27 and as of that date is repealed, unless a later enacted statute, that  
28 is enacted before January 1, 2017, deletes or extends that date.

29 SEC. 6. Section 8030.5 of the Business and Professions Code  
30 is amended to read:

31 8030.5. (a) Notwithstanding subdivision (a) of Section 8030.4,  
32 as used in this chapter the term “applicant” also means an indigent  
33 person, as defined in subdivision (f) of Section 8030.4, appearing  
34 pro se to represent himself or herself at any stage of the case and  
35 applying to receive funds from the Transcript Reimbursement  
36 Fund established by this chapter.

37 (b) Notwithstanding Section 8030.6, total disbursements to  
38 cover the cost of providing transcripts to all applicants pursuant  
39 to this section shall not exceed thirty thousand dollars (\$30,000)

1 annually and shall not exceed one thousand five hundred dollars  
2 (\$1,500) per case.

3 (c) The board shall provide a report to the Senate and Assembly  
4 Committees on Judiciary by March 1, 2012, that includes a  
5 summary of the expenditures and claims relating to this article,  
6 including the initial fund balance as of January 1, 2011; all funds  
7 received, including the amount of, and reason for, any refunds  
8 pursuant to subdivision (e) of Section 8030.2; all claims received,  
9 including the type of case, court involved, service for which  
10 reimbursement was sought, amount paid, and amount denied, if  
11 any, and the reason for denial; and all administrative fees. This  
12 report shall be provided using existing resources.

13 (d) The Legislature finds and declares that there are funds  
14 available for indigent pro se parties under this article only because  
15 the Transcript Reimbursement Fund has not been fully utilized in  
16 recent years by the eligible applicants for whom its use has been  
17 intended, despite the evident financial need among legal services  
18 organizations and pro bono attorneys. Accordingly, the board shall,  
19 using existing resources, undertake further efforts to publicize the  
20 availability of the Transcript Reimbursement Fund to prospective  
21 applicants, as defined in subdivision (a) of Section 8030.4, through  
22 appropriate entities serving these applicants, including the State  
23 Bar of California, the California Commission on Access to Justice,  
24 and the Legal Aid Association of California. These efforts shall  
25 be described in the report required by subdivision (c).

26 (e) This section shall remain in effect only until January 1, 2017,  
27 and as of that date is repealed, unless a later enacted statute that  
28 is enacted before January 1, 2017, deletes or extends that date.

29 SEC. 7. Section 8030.6 is added to the Business and Professions  
30 Code, to read:

31 8030.6. The board shall disburse funds from the Transcript  
32 Reimbursement Fund for the costs, exclusive of per diem charges  
33 by official reporters, of preparing either an original transcript and  
34 one copy thereof, or where appropriate, a copy of the transcript,  
35 of court or deposition proceedings, or both, incurred as a  
36 contractual obligation between the shorthand reporter and the  
37 applicant, for litigation conducted in California. If there is no  
38 deposition transcript, the board may reimburse the applicant or the  
39 certified shorthand reporter designated in the application for per  
40 diem costs. The rate of per diem for depositions shall not exceed

1 seventy-five dollars (\$75) for one-half day, or one hundred  
2 twenty-five dollars (\$125) for a full day. If a transcript is ordered  
3 within one year of the date of the deposition, but subsequent to  
4 the per diem having been reimbursed by the Transcript  
5 Reimbursement Fund, the amount of the per diem shall be deducted  
6 from the regular customary charges for a transcript. Reimbursement  
7 may be obtained through the following procedures:

8 (a) The applicant or certified shorthand reporter shall promptly  
9 submit to the board the certified shorthand reporter's invoice for  
10 transcripts together with the appropriate documentation as is  
11 required by this chapter.

12 (b) Except as provided in subdivision (c), the board shall  
13 promptly determine if the applicant or the certified shorthand  
14 reporter is entitled to reimbursement under this chapter and shall  
15 make payment as follows:

16 (1) Regular customary charges for preparation of original  
17 deposition transcripts and one copy thereof, or a copy of the  
18 transcripts.

19 (2) Regular customary charges for expedited deposition  
20 transcripts up to a maximum of two thousand five hundred dollars  
21 (\$2,500) per case.

22 (3) Regular customary charges for the preparation of original  
23 transcripts and one copy thereof, or a copy of transcripts of court  
24 proceedings.

25 (4) Regular customary charges for expedited or daily charges  
26 for preparation of original transcripts and one copy thereof or a  
27 copy of transcripts of court proceedings.

28 (5) The charges shall not include notary or handling fees. The  
29 charges may include actual shipping costs and exhibits, except  
30 that the cost of exhibits may not exceed thirty-five cents (\$0.35)  
31 each or a total of thirty-five dollars (\$35) per transcript.

32 (c) The maximum amount reimbursable by the fund under  
33 subdivision (b) shall not exceed twenty thousand dollars (\$20,000)  
34 per case per year.

35 (d) If entitled, and funds are available, the board shall disburse  
36 the appropriate sum to the applicant or the certified shorthand  
37 reporter when the documentation described in Section 8030.8  
38 accompanies the application. A notice shall be sent to the recipient  
39 requiring the recipient to file a notice with the court in which the  
40 action is pending stating the sum of reimbursement paid pursuant

1 to this section. The notice filed with the court shall also state that  
2 if the sum is subsequently included in any award of costs made in  
3 the action, that the sum is to be ordered refunded by the applicant  
4 to the Transcript Reimbursement Fund whenever the sum is  
5 actually recovered as costs. The court shall not consider whether  
6 payment has been made from the Transcript Reimbursement Fund  
7 in determining the appropriateness of any award of costs to the  
8 parties. The board shall also notify the applicant that the reimbursed  
9 sum has been paid to the certified shorthand reporter and shall  
10 notify the applicant of the duty to refund any of the sum actually  
11 recovered as costs in the action.

12 (e) If not entitled, the board shall return a copy of the invoice  
13 to the applicant and the designated certified shorthand reporter  
14 together with a notice stating the grounds for denial.

15 (f) The board shall complete its actions under this section within  
16 30 days of receipt of the invoice and all required documentation,  
17 including a completed application.

18 (g) Applications for reimbursements from the fund shall be filed  
19 on a first-come-first-served basis.

20 (h) Applications for reimbursement that cannot be paid from  
21 the fund due to insufficiency of the fund for that fiscal year shall  
22 be held over until the next fiscal year to be paid out of the renewed  
23 fund. Applications held over shall be given a priority standing in  
24 the next fiscal year.

25 (i) This section shall remain in effect only until January 1, 2017,  
26 and as of that date is repealed, unless a later enacted statute, that  
27 is enacted before January 1, 2017, deletes or extends that date.

28 SEC. 8. Section 8030.8 is added to the Business and Professions  
29 Code, to read:

30 8030.8. (a) For purposes of this chapter, documentation  
31 accompanying an invoice is sufficient to establish entitlement for  
32 reimbursement from the Transcript Reimbursement Fund if it is  
33 filed with the executive officer on an application form prescribed  
34 by the board that is complete in all respects, and that establishes  
35 all of the following:

36 (1) The case name and number and that the litigant or litigants  
37 requesting the reimbursement are indigent persons. If the applicant  
38 is an indigent person applying pursuant to Section 8030.5, the  
39 application shall be accompanied by a copy of the fee waiver form

1 approved by the court in the matter for which the applicant seeks  
2 reimbursement.

3 (2) The applicant is qualified under the provisions of this  
4 chapter.

5 (3) The case is not a fee-generating case, as defined in Section  
6 8030.4.

7 (4) The invoice or other documentation shall evidence that the  
8 certified shorthand reporter to be reimbursed was, at the time the  
9 services were rendered, a duly licensed certified shorthand reporter.

10 (5) The invoice shall be accompanied by a statement, signed by  
11 the applicant, stating that the charges are for transcripts actually  
12 provided as indicated on the invoice.

13 (6) The applicant has acknowledged, in writing, that as a  
14 condition of entitlement for reimbursement that the applicant agrees  
15 to refund the entire amount disbursed from the Transcript  
16 Reimbursement Fund from any costs or attorney's fees awarded  
17 to the applicant by the court or provided for in any settlement  
18 agreement in the case.

19 (7) The certified shorthand reporter's invoice for transcripts  
20 shall include separate itemizations of charges claimed, as follows:

21 (A) Total charges and rates for customary services in preparation  
22 of an original transcript and one copy or a copy of the transcript  
23 of depositions.

24 (B) Total charges and rates for expedited deposition transcripts.

25 (C) Total charges and rates in connection with transcription of  
26 court proceedings.

27 (b) For an applicant claiming to be eligible pursuant to  
28 subdivision (j), (l), or (m) of Section 8030.4, a letter from the  
29 director of the project or center, certifying that the project or center  
30 meets the standards set forth in one of those subdivisions and that  
31 the litigant or litigants are indigent persons, is sufficient  
32 documentation to establish eligibility.

33 (c) For an applicant claiming to be eligible pursuant to  
34 subdivision (k) of Section 8030.4, a letter certifying that the  
35 applicant meets the requirements of that subdivision, that the case  
36 is not a fee-generating case, as defined in subdivision (e) of Section  
37 8030.4, and that the litigant or litigants are indigent persons,  
38 together with a letter from the director of a project or center defined  
39 in subdivision (j), (l), or (m) of Section 8030.4 certifying that the

1 litigant or litigants had been referred by that project or center to  
2 the applicant, is sufficient documentation to establish eligibility.

3 (d) The applicant may receive reimbursement directly from the  
4 board if the applicant has previously paid the certified shorthand  
5 reporter for transcripts as provided in Section 8030.6. To receive  
6 payment directly, the applicant shall submit, in addition to all other  
7 required documentation, an itemized statement signed by the  
8 certified shorthand reporter performing the services that describes  
9 payment for transcripts in accordance with the requirements of  
10 Section 8030.6.

11 (e) The board may prescribe appropriate forms to be used by  
12 applicants and certified shorthand reporters to facilitate these  
13 requirements.

14 (f) This chapter does not restrict the contractual obligation or  
15 payment for services, including, but not limited to, billing the  
16 applicant directly, during the pendency of the claim.

17 (g) This section shall remain in effect only until January 1, 2017,  
18 and as of that date is repealed, unless a later enacted statute, that  
19 is enacted before January 1, 2017, deletes or extends that date.

20 SEC. 9. This act is an urgency statute necessary for the  
21 immediate preservation of the public peace, health, or safety within  
22 the meaning of Article IV of the Constitution and shall go into  
23 immediate effect. The facts constituting the necessity are:

24 To ensure that certain professions and vocations are adequately  
25 regulated in order to protect and safeguard consumers and the  
26 public in this state, it is necessary that this bill take effect  
27 immediately.